

U.S. Patent Application Serial No. 09/635,693

REMARKS

Claims 1 to 5 are in the application and stand rejected under 35 U.S.C. §112, second paragraph, on grounds of indefiniteness, first, because claim 1 recites the limitation, "corresponding engagement block" and, second, because claim 3 (not claim, 2 as indicated in the Office Action) recites the limitation, "each fitting section formed in the bottom portion", neither of which limitations find adequate antecedent basis support in the claims.

Claims 1 to 3 are also rejected under 35 U.S.C. §102(b) as being anticipated by Foy.

Furthermore, an objection under 37 CFR §1.83(a) is raised against the drawings for a purported absence of "through-holes in each fitting section in the bottom portion". A further objection is raised against original claims 4 and 5 under 37 C.F.R. §1.75(c) based upon these multiple dependent claims being themselves multiple dependant claims.

The Office Action has been considered and, pursuant thereto, in order to overcome the objections to the drawings, reference numerals 112a are added to Figures 1 and 6 and reference numeral 308f is added to Figure 6 in order to give, in the drawing figures, a clear representation of the "through-holes" 112a in the bottom portion of the container to receive "engagement projections" 308f, as recited in claim 3 and thereby place the drawings in compliance with 37 C.F.R. §1.83(a).

Also, in order to overcome the stated objection to claims 1 and 3 under 35 U.S.C. §112, second paragraph, as well as the rejection of claims 1 to 3 under 35 U.S.C. §102(b) on grounds of anticipation by Foy, by this Amendment, claims 1 and 3 are combined into a new claim 3. Also, claims 2 and 4 are amended to depend from amended claim 3, and claim 5 is amended to depend from claim 4.

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By so amending the claims, it is submitted that the claims are rendered allowable because claim 3, from which all of the other claims in the application depend, requires the presence of "engagement projections (308f) formed in the engagement frame section (308) of each side wall...configured to fit in corresponding through-holes (112a) in a cooperating fitting section formed in the bottom portion (100) when each side wall (300) is stood up perpendicularly with respect to the bottom portions", all as best shown, inter alia, in Figure 10 of the application drawings. Such feature is not suggested or taught by Foy since the claimed construction characteristic is clearly not present in the patented device.

For this reason, it is submitted that claim 3, as now amended, is made to distinguish over the reference structure thereby rendering claim 3 patentable over the reference. Moreover, claims 2, 4 and 5, as amended, are made to depend from claim 3 and are therefore patentable for the same reasons given above for the patentability of claim 3.

Also, new claim 3, in line 7, replaces the expression, "corresponding engagement block", of claim 1 with the more accurate "corresponding locking block" (as shown at 108 and 113 in the drawings figures) to overcome the objection under 35 U.S.C. §112, second paragraph. The corresponding objection to claim 3 is now overcome for the same reasons given above for avoidance of the drawing objection under 37 C.F.R. §1.75(c).

For the foregoing reasons, therefore, it is submitted that claims 2 to 5, as amended, define patentable subject matter and should be allowed. Accordingly, the Examiner is respectfully requested to give prompt and favorable consideration to this Amendment and to allow the application.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

Attached hereto is a marked-up version of the changes made to the by the current amendment. The attached page is captioned "Version with markings to show changes made."

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees, which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



John F. Carney
Attorney for Applicant
Reg. No. 20,276

JFC/cmp

Atty. Docket No. 000971
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made
Request for Approval of Drawing Corrections w/Figs marked in red ink

H:\FLOATERS\JFC\00\000971\amendment

VERSION WITH MARKINGS TO SHOW CHANGES MADE 09/635,693**IN THE SPECIFICATION:**

The specification was **AMENDED** as follows:

The paragraph beginning at page 1, line 3, was replaced with the following rewritten paragraph:

The present invention relates to a folding container comprising side walls disposed in a fashion surrounding a bottom portion of the container and which can be folded so as to overlap the bottom portion.

The paragraph beginning at page 1, line 12, was replaced with the following rewritten paragraph:

This folding container is configured as follows: to fold the container, the short side walls are folded so as to overlap the bottom portion, and the long side walls are further folded onto the short side walls. Then, to erect the container the folded long side walls are stood up perpendicularly with respect to the bottom portion, and folded short side walls are then stood up perpendicularly with respect to the bottom portion to thereby assemble the box-shaped folder container.

The paragraph beginning at page 1, line 18, was replaced with the following rewritten paragraph:

When the folding container is folded, the bottom portion is located at the bottom, the short side walls, which are folded so as to overlap the bottom portion, are located thereon, and

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the long side walls, which are folded so as to overlap the short side walls, are located thereon. To stack up folding containers folded in this manner, the bottom portion of an upper folded folding container is placed on the long side walls of a lower folded folding container. In addition, the folding container has generally L-shaped fitted shoulder sections, each formed near a corresponding one of the lower corners (located on the bottom portion side) of the long side walls thereof, so that when the container is folded, the fitted shoulder sections, each having a generally L-shaped planar shape, are each located at a corresponding one of the four corners of the two long side walls. Since the folding container is configured so that in stacking up folded folding containers, the bottom portion of an upper folded folding container is fitted in the shoulder sections located-at the four corners of the two long side walls of a lower folded folding container, horizontal movement of the upper folded folding container relative to the lower folded folding container is limited to allow a large number of folded folding containers to be stacked up stably to prevent collapse.

The paragraph beginning at page 5, line 10, was replaced with the following rewritten paragraph:

Figure 2 is a perspective view showing [that] the folding container according to the present invention [is-being assembled] in an intermediate condition of assembly.

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The paragraph beginning at page 5, line 12, was replaced with the following rewritten paragraph:

Figure 3 is a perspective view showing [that] the folding container according to the present invention [is] in a folded condition.

The paragraph beginning at page 5, line 20, was replaced with the following rewritten paragraph:

Figure 6 is an exploded fragmentary perspective view of [neighborhoods] regions of ends of the bottom portion and long side walls of the folding container according to the invention.

The paragraph beginning at page 9, line 7, was replaced with the following rewritten paragraph:

In addition, plate pieces 106a [is] are extended upward generally perpendicularly from the upper end of the inner wall 104b constituting the double wall section 104. Each of the plate pieces 106a has a generally semicylindrical hook 106b connected thereto and disposed on the end wall 105 side relative to the plate piece 106a, so that the plate piece 106a and the hook 106b constitute an inverted generally J-shaped hinge female section 106. The hinge female section 106 has almost the same height as the end wall 105, and an appropriate number of hinge female

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sections 106 are formed along the long side portion 101 (in this embodiment, four hinge female sections 106 are formed at almost equal intervals). Inside the double wall section 104, internal reinforcing ribs 107 can be formed at appropriate intervals for connecting the outer wall 104a, the inner wall 104b, and the horizontal wall 104c together.

The paragraph beginning at page 10, line 7, was replaced with the following rewritten paragraph:

The long side portion 101 has an end locking block 109 formed at each of the opposite ends thereof by extending the outer wall 104a and inner wall 104b of the double wall section 104 upward, the end locking block 109 being substantially as high as the long side locking block 108. The end locking block 109 has a placement surface 109a having [almost] substantially the same height as the placement surface 108c of the long-side locking block 108 and a projecting portion 109b projecting upward from the placement surface 109a. The projecting portion 109b comprises a projecting sub-portion 109b' extending along the long side portion 101 and a projecting sub-portion 109b'' extending perpendicularly to the projecting sub-portion 109b' in the direction of the short side portion 102, and is formed to have a generally L-shaped planar shape. The end locking block 109 has an outer surface 109c also formed to be substantially flush with the outer surface 105a of the end wall 105. 110 is a reinforcing block formed as appropriate in a corner formed of the end wall 105 and the horizontal wall 104c of the double wall section 104. An upper end of the reinforcing block 110 is aligned with the upper end of the end wall 105 but can be located therebelow as required.

new definition

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The paragraph beginning at page 13, line 4, was replaced with the following rewritten paragraph:

Further, if the sizes of the folding containers vary, in other words, the sizes of the long side walls 200 or short side walls 300 vary, the positions of the label sticking sections or card holders provided on the long side walls 200 or the short side walls 300 may vary significantly. Despite the different sizes of the folding containers, the positions of the bottom portions 100, particularly, their heights do not vary significantly. Thus, if a read sensor of a reader disposed near a transfer device is used to read a label printed on or stuck to the recess 115 for printing or label sticking formed in the outer wall 104a of the double wall section 104 of the bottom portion 100 in the middle of being transferred to the transfer device such as a belt conveyer, it can accurately and reliably read the various information such as the type and destination of the articles accommodated in the folding container because the positions of the recesses 115 for printing and label sticking do not vary significantly despite the [difference] different sizes of the folding containers. This configuration can prevent failures in reading arising from the different positions of the label sticking sections and eliminates the need to change the position of the read sensor of the reader depending on the size of the folding container.

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IN THE CLAIMS:

Claim 1 was **CANCELED**.

Claims 2 to 5 were **AMENDED** as follows:

2. (Amended) [A] The folding container according to claim [1, characterized in that] 3, wherein one of the opposed side walls has through-holes into which the corresponding locking blocks, which project upward, can be inserted upon folding.

3. (Amended) A folding container comprising side walls disposed in a fashion surrounding a bottom portion of the folding container and which can be folded so as to overlap the bottom portion, the side walls each having engagement frame sections formed thereon for engaging the adjacent side walls so that, when stood up perpendicularly with respect to the bottom portion, the side walls will not fall down inward, the bottom portion has locking blocks formed thereon on which the bottom portion of a stacked folded folding container can be fitted, the side walls each have recesses formed therein and each having an open underside into which a cooperating locking block of an assembled folding container can be received, and the engagement frame sections being operative to mutually engage the side walls where the walls are stood up and to engage the side walls with respect to the bottom portion when the side walls are folded, wherein engagement projections formed on the engagement frame sections of each side wall are configured to fit in corresponding through-holes in [each] a cooperating fitting section formed in the bottom portion when each side wall is stood up perpendicularly with respect to the bottom portions.

4. (Amended) [A] The folding container according to [any one of claim 1 to] claim 3, [characterized in that], wherein, when the side walls are stood up perpendicularly with respect to the bottom portion, a bottom surface of each side wall [partly] comes in surface contact with a top surface of the bottom portion.

5. (Amended) [A] The folding container according to [any one of claim 1 to] claim 4, [characterized in that] wherein card presser pieces, each constituting a card holder, are integrated with the side wall via a thin connection section.